

House Bill 1336

By: Representatives Loudermilk of the 14<sup>th</sup>, Martin of the 47<sup>th</sup>, and Amerson of the 9<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 25 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Technology Authority, so as to provide for new duties and procedures for the Georgia Technology Authority; to provide definitions; to provide for legal services; to provide for general powers; to repeal certain provisions relating to the distribution of legislative information; to amend Article 2 of Chapter 3 of Title 28 of the Official Code of Georgia Annotated, relating to the Secretary of the Senate and the Clerk of the House of Representatives, so as to provide for the public distribution of legislative information in electronic format; to amend Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping records of applications for drivers' licenses and information on licenses and furnishing such information, so as to change certain references to the Georgia Technology Authority; to amend Article 3 of Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to salary deductions, so as to repeal certain provisions relating to deductions for purchase of personal computing and computer related equipment; to amend Code Section 50-13-9.1 of the Official Code of Georgia Annotated, relating to variances or waivers to rules, so as to change certain references regarding the Georgia Technology Authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 25 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Technology Authority, is amended by revising Code Section 50-25-1, relating to the establishment of the Georgia Technology Authority, as follows:

"50-25-1.

(a) There is established the Georgia Technology Authority as a body corporate and politic, an instrumentality of the state, and a public corporation; and by that name the authority may contract and be contracted with and bring and defend actions. ~~The Georgia Technology Authority shall be the successor in interest to the public corporation created~~

by Ga. L. 1990, p. 1566, as amended from time to time thereafter, and known as the 'GeorgiaNet Authority,' and all rights, powers, and duties of that public corporation shall be vested in the Georgia Technology Authority, subject, however, to all debts, obligations, liabilities, and duties incurred by that public corporation.

(b) As used in this chapter, the term:

(1) 'Agency' means every state department, agency, board, bureau, commission, and authority but shall not include any agency within the judicial branch of state government, or the University System of Georgia, and shall also not include any authority statutorily required to effectuate the provisions of Part 4 of Article 9 of Title 11 or any agency under the direction or control of the General Assembly or state-wide elected officials other than the Governor.

(2) 'Authority' means the Georgia Technology Authority as established in this chapter.

(3) 'Board' means the board of directors for the Georgia Technology Authority.

(4) 'Chairperson' means the chairperson of the Georgia Technology Authority.

(5) 'Chief information officer' means the chief information officer of the State of Georgia provided for by Code Section 50-25-5.1.

(6) 'File' means a group of data consisting of a collection of related records which concern one or more functions of an agency and which is treated as a single unit in an electronic data processing system.

~~(7) 'GeorgiaNet Division' means the former GeorgiaNet Authority.~~

~~(8)~~(7) 'Local government' means any county, city, or consolidated government in this state.

~~(9)~~(8) 'Private sector' means any nongovernment, privately owned entity in this state.

~~(10)~~(9) 'Public safety radio services' means all radio services of state, county, or municipal governments, as defined in Part 89 of the Rules and Regulations of the Federal Communications Commission.

~~(11)~~(10) 'Record' means a group of related fields of data used to electronically store data about a subject, such as an employee, customer, vendor, or other entity, or a transaction.

~~(12)~~(11) 'Technology' or 'technology resources' means hardware, software, and communications equipment, including, but not limited to, personal computers, mainframes, wide and local area networks, servers, mobile or portable computers, peripheral equipment, telephones, wireless communications, public safety radio services, facsimile machines, technology facilities including, but not limited to, data centers, dedicated training facilities, and switching facilities, and other relevant hardware and software items as well as automated applications in support of business processes and personnel tasked with the planning, implementation, and support of technology.

(13)(12) 'Technology enterprise management' means methods for managing technology resources for all agencies, considering the priorities of state planners, with an emphasis on making communications and sharing of data among agencies feasible and ensuring opportunities of greater access to state services by the public.

(14)(13) 'Technology policy' means processes, methods, and procedures for managing technology, technology resources, and technology procurement.

(15)(14) 'Technology portfolio management' means an approach for analyzing and ranking potential technology investments based upon state priorities and a cost benefit analysis to include, but not be limited to, calculated savings, direct and indirect, and revenue generation related to technology expenditures and selecting the most cost-effective investments. The minimization of total ownership costs, i.e., purchase, operation, maintenance, and disposal, of technology resources from acquisition through retirement while maximizing benefits is to be emphasized.

(c) The purpose of the authority shall be to promote the effective and efficient management of information technology resources, to provide for technology enterprise management and technology portfolio management ~~as defined in this chapter~~, to promote information technology consolidation and shared enterprise services, and to coordinate and direct the provision of communication and information technology services, as well as providing for the centralized marketing, provision, sale, and leasing, or execution of license agreements for access on-line online or in volume, of certain public information maintained in electronic format to the public, on such terms and conditions as may be determined to be in the best interest of the state in light of the following factors:

(1) The public interest in providing ready access to public state information for individuals, businesses, and other entities;

(2) The public interest in providing ready access to state information for other governmental entities, so as to enhance the ability of such other governmental entities to carry out their public purposes;

(3) Fair and adequate compensation to the state for costs incurred in generating, maintaining, and providing access to state information;

(4) Cost savings to the state through efficiency in the provision of public information; and

(5) Such other factors as are in the public interest of the state and will promote the public health and welfare.

(d) The authority shall assist political subdivisions and other entities created by the Constitution or laws of this state, or by local governments, by setting forth policy initiatives for guidance in the use of technology to improve services, reduce costs, encourage technological compatibility, and promote economic development throughout the state.

(e) ~~Services related to the marketing, provision, sale, and leasing or licensing of public information as provided in subsection (c) of this Code section shall continue to be marketed under the service mark of GeorgiaNet."~~

## SECTION 2.

Said chapter is further amended by revising Code Section 50-25-3, relating to administration and legal services, as follows:

"50-25-3.

(a) The authority shall be assigned for administrative purposes to the ~~Department of Administrative Services~~ Office of Planning and Budget, as provided for in Code Section 50-4-3.

(b) The Attorney General shall provide legal services for the authority, in the same manner provided for in Code Sections 45-15-13 through 45-15-16."

## SECTION 3.

Said chapter is further amended by revising Code Section 50-25-4, relating to general powers, as follows:

"50-25-4.

(a) The authority shall have the following powers:

(1) To have a seal and alter the same at its pleasure;

(2) To make and execute contracts, lease agreements, and all other instruments necessary or convenient to exercise the powers of the authority or to further the public purpose for which the authority is created;

(3) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or personal property of every kind and character, or any interest therein, in furtherance of the public purpose of the authority;

(4) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof, or from any other source for any or all of the purposes specified in this chapter and to comply, subject to the provisions of this chapter, with the terms and conditions thereof;

(5) To contract with state agencies or any local government for the use by the authority of any property, facilities, or services of the state or any such state agency or local government or for the use by any state agency or local government of any facilities or services of the authority; and such state agencies and local governments are authorized to enter into such contracts;

(6) To fix and collect fees and charges for data, media, and incidental services;

- (7) To deposit or invest funds held by it in any state depository or in any investment which is authorized for the investment of proceeds of state general obligation bonds; and to use for its corporate purposes or redeposit or reinvest interest earned on such funds;
- (8) To establish standards for agencies to submit information technology plans to the authority. Standards shall include without limitation content, format, and frequency of submission;
- (9) To establish standards and set policy regarding the role and responsibilities of chief information officers within state agencies; Reserved;
- ~~(10) To set technology policy for all agencies except those under the authority, direction, or control of the General Assembly or state-wide elected officials other than the Governor;~~
- ~~(11) To establish and maintain official employee purchase programs for technology resources facilitated by and through the authority for state employees and public school employees of county or independent boards of education;~~
- ~~(12)~~(11) To provide project oversight and program management for all technology resources for projects exceeding a cumulative investment of ~~\$1 million~~ \$100,000.00 to accomplish goals of technology portfolio management;
- ~~(13)~~(12) To develop such plans and reports as are deemed necessary and useful and to require agencies to submit periodic reports at such frequency and with such content as the board shall define;
- ~~(14)~~(13) To prepare fiscal impact statements relating to necessary modifications and development of technology to support policies required by proposed legislation;
- ~~(15)~~(14) To establish architecture for state technology infrastructure to promote efficient use of resources and to promote economic development;
- ~~(16) To provide processes and systems for timely and fiscally prudent management of the state's financial resources to include, without limitation, cash management;~~
- ~~(17)~~(15) To establish advisory committees from time to time, including, without limitation, a standing advisory committee composed of representatives from agencies which shall make recommendations to the authority concerning such matters as policies, standards, and architecture;
- ~~(18)~~(16) To coordinate with agencies, the legislative and judicial branches of government, and the Board of Regents of the University System of Georgia, regarding technology policy;
- ~~(19)~~(17) To coordinate with local and federal governments to achieve the goals of the authority;
- ~~(20)~~(18) To identify and pursue alternative funding approaches;

(21)(19) To establish technology security standards and services to be used by all agencies;

(22)(20) To conduct technology ~~audits~~ assessments of all agencies and to assist the Department of Audits and Accounts in the performance of its duties under Code Section 50-6-4;

(23)(21) To facilitate and encourage the conduct of business on the Internet;

(24)(22) To expand and establish policies necessary to ensure the legal authority and integrity of electronic documents;

~~(25) To provide and approve as part of the state technology plan an implementation plan and subsequent policies and goals designed to increase the use of telecommuting among state employees;~~

(26)(23) To create a center for innovation to ~~create applications of technology~~ identify, pilot, and transfer technology into agencies that will yield positive, measurable benefits to the state;

(27)(24) To contract through the Department of Administrative Services for the lease, rental, purchase, or other acquisition of all technology resource related supplies, materials, services, and equipment required by the state government or any of its agencies and designate such contracts as mandatory sources of supply for agency purchases or to authorize any agency to purchase or contract for technology;

(28)(25) To establish and enforce standard specifications which shall apply to all technology and technology resource related supplies, materials, and equipment purchased or to be purchased for the use of the state government or any of its agencies, which specifications shall be based on and consistent with industry accepted open network architecture standards;

(29)(26) To establish specifications and standards for technology resources, which shall apply to all technology to be purchased, licensed, or leased by any agency;

(30)(27) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purpose of the authority; ~~and~~

(28) To develop a strategic plan to establish goals, definitions, policies, standards, and guidelines to facilitate broadband access in Georgia's rural and urban communities so as to further the goals of high capacity, quality of service, competition, affordability, and universal access to secure the state's broadband and economic future; and

~~(31)(29)~~ To do all things necessary or convenient to carry out the powers conferred by this chapter.

(b) The authority shall transfer to the general fund of the state treasury any funds of the authority determined by the authority to be in excess of those needed for the corporate purposes of the authority."

**SECTION 4.**

Said chapter is further amended by repealing Code Section 50-25-14, relating to the distribution of legislative information, and designating said Code section as reserved as follows:

"50-25-14.

~~(a) The authority shall provide for the distribution in electronic format of the legislative information provided to the authority pursuant to Code Section 28-3-24.1. Such information may be made available in a dial-up bulletin board format or in such other formats as may be determined to be appropriate by the authority.~~

~~(b) Such legislative information shall be provided free of charge to Internet users, public schools, their students and faculty, and to public libraries and their patrons. When PeachNet becomes available to an individual school or library, such school or library may have the option of connection to PeachNet and may then receive such legislative information from GeorgiaNet through PeachNet free of charge. For this purpose, 'free of charge' may include the provision of legislative information without charge. For this purpose, 'public schools' may include all schools operated by this state's local public school systems, all units of the University System of Georgia, and all units of the Technical College System of Georgia. For this purpose, 'public libraries' may include all city, county, and regional public libraries. Reserved.~~

**SECTION 5.**

Article 2 of Chapter 3 of Title 28 of the Official Code of Georgia Annotated, relating to the Secretary of the Senate and the Clerk of the House of Representatives, is amended by revising Code Section 28-3-24.1, as follows:

"28-3-24.1.

(a) It is the policy of the General Assembly that legislative information concerning the activities of the General Assembly may be made readily and widely available in electronic format on a timely basis.

~~(b) The Secretary of the Senate and the Clerk of the House of Representatives may provide legislative information in electronic format to the GeorgiaNet Division of the Georgia Technology Authority for purposes of public distribution as provided in Code Section 50-25-14. The information may be provided on at least a daily basis in the most current format available. The information provided may include at a minimum: available schedules and agenda for committee meetings; available bill and resolution status information; and full text of all available prefiled and introduced versions of bills and resolutions, including amendments and substitutes. The information provided may include such other matters as will in the determination of the Secretary and the Clerk contribute to the purposes of this~~

~~Code section. The Georgia Technology Authority shall work with the General Assembly to develop a single Internet site for the Georgia General Assembly. The content and the format of the General Assembly Internet site shall be determined by the Legislative Services Committee."~~

#### SECTION 6.

Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping records of applications for drivers' licenses and information on licenses and furnishing such information, is amended by revising subparagraph (c)(1)(F) and paragraph (1) of subsection (d) as follows:

"(F) With the written release of the driver, to a rental car company for use in the normal course of its business; provided, however, that notwithstanding the definition of personal information under Code Section 40-5-1, personal information furnished under this subparagraph shall be limited to name, address, driver identification number, and medical or disability information. Such access shall be provided and funded through ~~the GeorgiaNet Division of the Georgia Technology Authority~~, and the department shall bear no costs associated with such access; and"

"(d)(1) The commissioner shall designate members of the department to be the official custodians of the records of the department. No disclosure or release of operating records or personal information shall be made without the signed written approval of a designated custodian; except that such approval shall not be required for any release or disclosure through the ~~GeorgiaNet Division of the Georgia Technology Authority~~ pursuant to the signed written consent of the driver, provided that any such signed written consent shall be retained for a period of not less than four years by the party requesting the information; and except that such approval shall not be required for any release or disclosure of information made electronically through the ~~GeorgiaNet Division of the Georgia Technology Authority~~ in accordance with a contract authorized by subparagraph (c)(1)(B) of this Code section. The custodians may certify copies or compilations, including extracts thereof, of the records of the department. When so certified, such records shall be admissible as evidence in any civil or criminal proceeding as proof of the contents thereof."

#### SECTION 7.

Article 3 of Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to salary deductions, is amended by repealing Code Section 45-7-56, relating to deductions for personal computing or computer related equipment, and designating said Code section as reserved as follows:



"45-7-56.

(a) ~~As used in this Code section, the term 'local unit of administration' means any county or independent board of education.~~

(b) ~~It is the purpose of this Code section to permit voluntary deductions from wages or salaries of employees of the State of Georgia and local units of administration for the purchase of personal computing and computer related equipment through an employee purchase program facilitated by and through the Georgia Technology Authority.~~

(c) ~~Any department, agency, authority, or commission of the state or any local unit of administration is authorized to deduct designated amounts from the wages or salaries from its employees for the purpose of facilitating employee purchases of personal computing and computer related equipment through an employee purchase program facilitated by and through the Georgia Technology Authority. No such deduction shall be made under this Code section without the express written and voluntary consent of the employee. Each such request shall designate the exact amount to be deducted. Any employee who has consented to a deduction is authorized to withdraw from such salary reduction with two weeks' written notice; provided, however, that such withdrawal shall not relieve any employee of any outstanding indebtedness incurred under such purchase program.~~

(d)(1) ~~The fiscal authorities or other employees of the various departments or agencies of this state will not incur any liability for errors or omissions made in the performance of the agreement between the state and the employee.~~

(2) ~~The fiscal authorities or other employees of local units of administration will not incur any liability for errors or omissions made in the performance of the agreement between the local unit of administration and the employee.~~

(3) ~~Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, this Code section does not confer immunity from criminal or civil liability for conversion, theft by conversion, theft by taking, theft by extortion, theft by deception, or any other intentional misappropriation of the money or property of another.~~

(e) ~~If a state employee or public school employee leaves employment for any reason and a balance is owing for the computer or equipment, then, in that event, the state or board of education or the state retirement system shall have the right to deduct the balance owing from any funds under the control of the state or board of education or state retirement system to which said employee would otherwise be entitled. Reserved.~~

## SECTION 8.

Code Section 50-13-9.1 of the Official Code of Georgia Annotated, relating to variances or waivers to rules, is amended by revising subsection (c) as follows:

314 "(c) Except as provided in subsection (h) of this Code section, an agency is authorized to  
315 grant a variance or waiver to a rule when a person subject to that rule demonstrates that the  
316 purpose of the underlying statute upon which the rule is based can be or has been achieved  
317 by other specific means which are agreeable to the person seeking the variance or waiver  
318 and that strict application of the rule would create a substantial hardship to such person. A  
319 register of all pending requests for variances and waivers and all approved variances and  
320 waivers shall be maintained by the department granting the waiver or variance and shall  
321 be updated upon each grant of waiver or variance and be made available, upon request, to  
322 members of the public. The register and each entry on the register shall be posted ~~on the~~  
323 ~~GeorgiaNet~~ to the Georgia Register pursuant to Code Section 50-25-6. Any member of  
324 the public, including interested parties, shall have the opportunity to submit written  
325 comments concerning proposed variances or waivers prior to the approval of a variance or  
326 waiver pursuant to this Code section."

327 **SECTION 9.**

328 All laws and parts of laws in conflict with this Act are repealed.